

REMARKS

Claims 7-9 and 11 are pending in the present application. Claim 7 was amended in this response. Claims 10 and 12 have been canceled, without prejudice. No new matter has been introduced as a result of the amendments. Support for the amendments may be found, for example, in FIG. 2 and paragraphs [008] and [0018-19]. Entry of the amendments and favorable reconsideration is respectfully requested.

The Abstract was objected to for minor informalities. In light of the present amendments to the Abstract, Applicant believes the objectionable matter has been addressed. Withdrawal of the objection is earnestly requested.

Claims 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bae et al.* (U.S. Pub. 2004/0203496) in view of *Kazuyuki* (Pub. 09-205476) and further in view of *Bank et al.* (US Pub. 2003/0059069). Applicant respectfully traverses these rejections.

Specifically, the prior art, alone or in combination, fails to teach or suggest the features of “an exposed section of the first housing part” that “comprises an internal acoustic area defined by a wall located within the first housing part that separates the acoustic area from the remainder of the first housing part; and a bending wave loudspeaker comprising a plate-like element for emitting audible signals and an operating element for exciting bending waves in the plate-like element, wherein the bending wave loudspeaker and operating element are located on an outside surface of the acoustic area that faces away from a user.” Under the amended configuration, the resulting telephone structure addresses the situation, where, during displacement of typical “slider” phones, a protective window has to assume the functions of mechanically protecting the interior of the displaced mobile telephone (see specification, [0006-8]).

As argued previously, Bae merely discloses a conventional “slider” phone, where the displacement of the upper (20) and lower (10) housing creates an exposed section (see FIG. 2) that only contains an upper solid surface (10a) and key pad (12). Nowhere in Bae does the document disclose an exposed section of the first housing part comprising an internal acoustic area, where a bending wave loudspeaker is situated in a direction facing away from a user (see FIG. 2 and paragraph [0025]). The speaker in Bae is arranged entirely on the upper surface facing the user, and is not in the exposed section. Furthermore, the entire disclosure of Bae does not even contemplate such an arrangement, and instead addresses a sliding-type mobile phone that can be opened or closed with a minimum of force (see ([0010, 0036])).

Bank also does not solve the deficiencies of Bae, discussed above. Bank teaches a bending wave loudspeaker including a transparent acoustic radiator ([0040, 0081]) and an operating element for exciting bending waves ([0061, 0078]). However, the disclosure of Bank teaches that the loudspeaker may be incorporated in a telephone handset via a display window, and not in an acoustical area (see FIG. 1, [0053-56]). Also, Bank fails to teach or suggest a structural arrangement where the loudspeaker is arranged in an exposed section of a sliding-type telephone, where the speaker faces a direction that is away from the user. Applicant further notes that the Office Action has interpreted the “beams” (88, 90) of Bank as equivalent to the “wall” claimed in the present application. Applicant submits that this interpretation cannot stand in light of the present amendments. For one, Bank discloses the beams as being part of the transducer (86) ([0054]). Under the present amendments, the beams cannot be interpreted as defining an acoustic area.

Regarding Kazuyuki, the document discloses yet another type of “slider” phone, where a conventional speaker (1) is placed in an exposed section of the phone (FIG. 1, [0010]). However, Kazuyuki fails to teach or suggest that the speaker is located on a surface of an acoustical area that faces away from a user.

Furthermore, Applicant submits that there is no apparent reason why one having ordinary skill and creativity in the art would combine *Bae*, *Kazuyuki* and *Bank* in the manner suggested in the Office Action. “[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.* 550 U.S. ____ (2007) (slip op. at 14). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellant’s disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Regarding *Bae*, the screen and speaker components are contained on a single surface of the sliding-type phone that is not “exposed” as a result of opening the phone. Moreover, the speaker must be located in this area of Bae, since the sliding action of the phone results in a placement of the speaker that is next to a user’s ear (see FIGs. 1-2). Paradoxically, the Office Action states that it would be obvious to combine Bae with Kazuyuki “in order to provide the audio signal to the user when they are in communication.” However, this reasoning defies logic, given the disclosure of Bae, since the only area “exposed” by the sliding of the phone is the

keypad area (10). Placement of the speaker in this area would not make sense, since the user would have to effectively hold a distal area of the phone to his/her ear in order to hear anything. Moreover, such an arrangement would require the user to shift the phone forward each time the user desired to speak into the microphone (14). Regarding Bank, the reference provides no additional guidance on arranging a mobile telephone in the manner presently claimed. For at least these reasons, Applicant submits the rejection is improper and should be withdrawn.

Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (117393-026) on the account statement.

Respectfully submitted,

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